

NC 17179

INTERNATIONAL PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

BRUNDIDGE, Carl I. et al
ANTONELLI, TERRY, STOUT & KRAUS
LLP
Suite 1800
1300 North Seventeenth Street
ARLINGTON, Virginia 22209
ETATS-UNIS D'AMERIQUE

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WRITTEN OPINION

(PCT Rule 66)

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REPLY DUE

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International application No.

PCT/IB01/00890

International filing date (day/month/year)

21/05/2001

Priority date (day/month/year)

24/05/2000

International Patent Classification (IPC) or both national classification and IPC

H04M15/00

Applicant

NOKIA CORPORATION et al

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain document cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 24/09/2002.

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized officer / Examiner

Todorut, C

Formalities officer (incl. extension of time limits)

Van Deursen, T

Telephone No. +31 70 340 3478



WRITTEN OPINION

International application No. PCT/IB01/00890

I. Basis of the opinion

1. With regard to the **elements** of the international application (Replacement *sheets which have been furnished to the receiving Office in response to an invitation under Article 14* are referred to in this opinion as "originally filed"):

Description, pages:

1-27 as originally filed

Claims, No.:

1-59 as originally filed

Drawings, sheets:

1/11-11/11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Claims 1-59

Inventive step (IS) Claims 1-59

Industrial applicability (IA) Claims

2. Citations and explanations
see separate sheet

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Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: WO 95 22230 A (ERICSSON TELEFON AB L M) 17 August 1995
(1995-08-17)

D2 : WO 99 56445 A (HUBBARD ELISABETH ;TELIA AB (SE)) 4 November 1999
(1999-11-04)

D3 : WO 99 41928 A (NOKIA TELECOMMUNICATIONS OY ;PALKISTO VIRPI
(FI)) 19 August 1999 (1999-08-19)

D4 : WO 97 26739 A (NOKIA TELECOMMUNICATIONS OY ;KARI HANNU H
(FI); HAEMAELAEINEN JARI) 24 July 1997 (1997-07-24)

1. Although claims 1, 25, 36 and 49 as method claims and 35 and 59 as apparatus claims have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1, 25, 35, 36, 49 and 59 do not meet the requirements of Article 6 PCT.

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In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim in each category followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

Therefore, it seems appropriate to recast independent claims 25, 36 and 49 as dependent on claim 1 and independent claim 59 as dependent on claim 35.

2. The application does not meet the requirements of Article 33(2), (3) PCT with respect of novelty and inventive step.

- 2.1 **Claim 1** : Document D1 discloses a system and related method for identifying call records for a call on a cellular network , assigning a unique identification code for each call when the call is set up or when the call enters the network. The assigned identification code is stored in a field in an originating call record in a first node and then is forwarded to at least a second node in the network (see abstract, page 3, line 6 - line 24, figures 1, 2, 6 - 9 of document D1).

Therefore, the subject matter of claim 1 is considered to be not novel according to document D1.

Remark : The same objections apply for the subject matter of independent claims 25, 36 and 49 (see paragraph 1 above).

Therefore, the subject matter of independent claims 25, 36 and 49 is considered to be not novel according to document D1.

- 2.2 The same objections, as been raised in paragraph 2.1 above, apply for the subject matter of independent claims 35 and 59 witch only define the corresponding system/apparatus for implementing the method disclosed by independent claim 1 and 49 respectively.

Therefore, the subject matter of independent claims 35 and 59 are considered to be not novel according to document D1.

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2.3 Dependent claims 2-24, 26-34, 37-48, 50-58 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, the reasons being as follows:

2.3.1 The additional technical features of dependent claims 2-6, 19-24, 26-28, 32, 34, 37, 38, 45-48, 50-52, 56 and 58 are already been disclosed by document D1 (see e.g page 4, line 28 - page 11, line 9, claims 1-50) , therefore the subject matter of dependent claims 2-6, 18-24, 26-28, 32, 34, 37, 38, 45-48 it is considered to be not novel according to document D1.

2.3.2 Furthermore, the features of dependent claims 7-18, 29-31, 33, 39-44 , 53-55, 57 have already been employed for the same purpose in a similar method , see document D2 , abstract, page 9 , line1 - page 17, line 30. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a method according to document D1, thereby arriving at a method according to claims 7-18, 29-33, 39-44, 53-55, 57.

Therefore, the subject matter of dependent claims 7-18, 29-33, 39-44, 53-55, 57 is considered to be not inventive according to document D1 and D2 .

Remark : The same objections as above can be raised using document D3 and D4.